

## **Division VIII of Title 5 of the California Code of Regulations**

### **Proposed Amendments to Title 5 of the California Code of Regulations Pertaining to Designated Subjects Special Subjects Teaching Credentials**

#### **Notice of Proposed Rulemaking**

The Commission on Teacher Credentialing (Commission) proposes to take the regulatory action described below after considering all comments, objections, and recommendations regarding the proposed action.

#### **Public Hearing**

A public hearing on the proposed actions will be held:

**February 14, 2014**

**8:30 a.m.**

**Commission on Teacher Credentialing  
1900 Capitol Avenue  
Sacramento, California 95811**

#### **Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments by fax, through the mail, or by e-mail relevant to the proposed action. The written comment period closes at 5:00 p.m. on January 27, 2014. Comments must be received by that time or may be submitted at the public hearing. You may fax your response to (916) 322-0048; write to the Commission on Teacher Credentialing, attn. Tammy A. Duggan, 1900 Capitol Avenue, Sacramento, California 95811; or submit an email at [tduggan@ctc.ca.gov](mailto:tduggan@ctc.ca.gov).

Any written comments received 15 days prior to the public hearing will be reproduced by the Commission's staff for each member of the Commission as a courtesy to the person submitting the comments and will be included in the written agenda prepared for and presented to the full Commission at the hearing.

#### **Authority and Reference**

Education Code section 44225 authorizes the Commission to adopt these proposed regulation amendments. The proposed amendments implement, interpret, and make specific Education Code section 44260.4 pertaining to Designated Subjects Special Subjects Teaching Credentials.

#### **Informative Digest/Policy Statement Overview**

##### Summary of Existing Laws and Regulations

This rulemaking action proposes amendments to 5 California Code of Regulations (CCR) §80037 to establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in Basic Military Drill (BMD) and Reserve Officer Training Corps (ROTC). The proposed amendments also include general clean-up of outdated language in the existing regulation.

One of the prescribed conditions for high school graduation in subsection (a)(1)(F) of Education Code (EC) §51225.3 is completion of two courses in physical education (unless the pupil has been exempted). Subsection (b) of EC §51225.3 allows governing boards, with the active involvement of parents, administrators, teachers, and pupils, to adopt alternative means for completion of the prescribed course of study. Some LEAs grant high school graduation credit in physical education for BMD and ROTC courses under the provisions of EC §51225.3 while others do not. Pupils attending schools that do not grant high school graduation credit in physical education for BMD and ROTC courses are required to enroll in traditional physical education courses in order to meet statutory graduation requirements.

The proposed Special Teaching Authorization in Physical Education will provide the holder with a distinct physical education authorization limited to the areas of basic military drill and physical fitness training. The proposed minimum requirements for the Special Teaching Authorization in Physical Education are possession of a preliminary (which requires a minimum of four years of military experience) or clear (which requires, in addition to the requirements for the preliminary credential, completion of a Commission-approved program of personalized preparation) Designated Subjects Special Subjects Teaching Credential in BMD or ROTC; satisfaction of California's basic skills requirement; and verification of subject-matter knowledge in Physical Education. It is important to note that the Special Teaching Authorization in Physical Education will not compel LEAs to grant high school graduation credit in physical education. It will simply be an authorization educators may earn upon completion of the specified requirements and that LEAs may choose to recognize in order to utilize the option provided in EC §51225.3(b).

In addition to establishing a Special Teaching Authorization in Physical Education, the proposed amendments include general clean-up of the current, outdated language in 5 CCR §80037 as outlined in the "Objectives and Anticipated Benefits of the Proposed Regulations" section.

#### Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of the proposed amendments are to clarify and make specific the following as related to Designated Subjects Special Subjects Teaching Credentials:

- establish a Special Teaching Authorization in Physical Education for holders of Designated Subjects Special Subjects Teaching Credentials in BMD and ROTC; and
- amend the current, outdated language related to the basic skills, application, fingerprint, and health education requirements;
- specify the type of program that must be completed for the clear credential and incorporate those program standards by reference;
- clarify the recommendation process for the preliminary and clear credential;
- define the teaching experience requirement for the clear credential;
- amend the clear credential authorization to include a SDAIE authorization; and
- move the driving transcript requirement for the Limited Driver Training subject to the appropriate subsection.

The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that LEAs may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness

training courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students' course options.

The proposed regulations will promote fairness and prevent discrimination by aligning 5 CCR §80037 pertaining to the requirements for Designated Subjects Special Subjects Teaching Credentials with other 5 CCR sections pertaining to Designated Subjects Adult Education and CTE Teaching Credentials. The Commission does not anticipate that the proposed regulations will result in an increase in openness and transparency in government, the protection of public health and safety, worker safety, or the environment, the prevention of social inequity, or an increase in openness and transparency in business.

#### Determination of Inconsistency/Incompatibility with Existing State Regulations

The Commission has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. There are no other 5 CCR sections that detail the requirements for or authorizations of Designated Subjects Special Subjects Teaching Credentials.

#### **Documents Incorporated by Reference:**

*Standards of Quality and Effectiveness for Career/Technical Education Teachers* (rev. 5/09):  
<http://www.ctc.ca.gov/educator-prep/standards/CTE-Handbook.pdf>

The Commission on Teacher Credentialing awards credentials and certificates on the basis of completion of programs that meet Standards for Educator Preparation and Educator Competence. For each type of professional credential in education, the Commission has developed and adopted standards which are based upon recent research and the expert advice of many professional educators. Each standard specifies a level of quality and effectiveness that the Commission requires from programs offering academic and professional preparation in education. There are different types of program standards.

#### **Preconditions**

Preconditions are requirements that must be met in order for an accrediting association or licensing agency to consider accrediting a program sponsor or approving its programs or schools. Some preconditions are based on state laws, while other preconditions are established by Commission policy. Preconditions can be found within each program's standards document.

#### **Common Standards**

The Common Standards deal with aspects of program quality that cross all approved educator preparation programs. The institution responds to each Common Standard by providing pertinent information, including information about individual programs. When a new program is proposed, the institution submits a Common Standards Addendum to address how the new program will integrate with the already approved programs.

#### **Educator Preparation Program Standards**

Program standards address aspects of program quality and effectiveness that apply to each type of educator preparation program offered by a program sponsor. Program standards contain statements describing the nature and purpose of each standard and language that details the requirements that all approved programs must meet. Program sponsors must meet

all applicable program standards before the program application may be approved by the Commission.

**Documents Relied Upon in Preparing Regulations:** None.

**Disclosures Regarding the Proposed Actions**

The Commission has made the following initial determinations:

*Mandate to local agencies or school districts:* None.

*Other non-discretionary costs or savings imposed upon local agencies:* None.

*Cost or savings to any state agency:* None.

*Cost or savings in federal funding to the state:* None.

*Significant effect on housing costs:* None.

*Significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states:* None.

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

*Cost impacts on a representative private person or business:* The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

*Statement of the Results of the Economic Impact Assessment [Govt. Code § 11346.5(a)(10)]:* The Commission concludes that it is (1) unlikely that the proposal will create any jobs within the State of California; 2) unlikely that the proposal will eliminate any jobs within the State of California; 3) unlikely that the proposal will create any new businesses within the State of California; 4) unlikely that the proposal will eliminate any existing businesses within the State of California; and 5) unlikely the proposal would cause the expansion of businesses currently doing business within the State of California.

*Benefits of the Proposed Action:* The Commission anticipates that the proposed amendments will benefit the welfare of students attending public schools in the State of California by creating a Special Teaching Authorization in Physical Education that employers may potentially use in conjunction with EC §51225.3 to grant physical education high school graduation credit for basic military drill and physical fitness activity courses taught by holders of Designated Subjects Special Subjects Credentials in BMD and ROTC, thereby increasing the students' course options.

*Effect on small businesses:* The proposed regulations will not have a significant adverse economic impact upon business. The proposed regulations apply only to individuals who hold

or seek Designated Subjects Special Subjects Teaching Credentials that authorize service in California's public schools.

### **Consideration of Alternatives**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Commission invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at the public hearing.

### **Contact Person/Further Information**

General or substantive inquiries concerning the proposed action may be directed to Tammy A. Duggan by telephone at (916) 323-5354 or Tammy A. Duggan, Commission on Teacher Credentialing, 1900 Capitol Avenue, Sacramento, CA 95811. General question inquiries may also be directed to Martha Zavala at (916) 323-5080 or at the address mentioned in the previous sentence. Upon request, a copy of the express terms of the proposed action and a copy of the initial statement of reasons will be made available. This information is also available on the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov). In addition, all the information on which this proposal is based is available for inspection and copying.

### **Availability of Statement of Reasons and Text of Proposed Regulations**

The entire rulemaking file is available for inspection and copying throughout the rulemaking process at the Commission office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Rulemaking, the proposed text of regulations, the Initial Statement of Reasons, and an economic impact assessment/analysis contained in the Initial Statement of Reasons. Copies may be obtained by contacting Tammy Duggan at the address or telephone number provided above.

### **Modification of Proposed Action**

If the Commission proposes to modify the actions hereby proposed, the modifications (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted.

### **Availability of Final Statement of Reasons**

The Final Statement of Reasons is submitted to the Office of Administrative Law as part of the final rulemaking package, after the public hearing. Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Tammy A. Duggan at (916) 323-5354.

### **Availability of Documents on the Internet**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through the Commission's website at [www.ctc.ca.gov](http://www.ctc.ca.gov).